

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 15-0567**

**STEFANOVICH v. ANDERSON**

**Appellate Case Information**

Case Filed: 27-Aug-2015

Case Closed: 13-Jan-2017

**Decision**

**Dept/Composition**

**Department B**

Hon. Patricia K Norris  
Hon. Samuel A Thumma  
Hon. Margaret H Downie

**Side 1. PAUL S. STEFANOVICH and JANET S. STEFANOVICH, husband and wife, Plaintiffs/Counterdefendants/, Plaintiff/Appellant**  
(Litigant Group) PAUL S STEFANOVICH et al.

- Paul S Stefanovich
- Janet S Stefanovich

**Attorneys for: Plaintiffs/Appellants**

Martin A Bihn, Esq. (AZ Bar No. 14338)

Donna M McDaniel, Esq. (AZ Bar No. 17366)

**Side 2. MIKEL STEWART ANDERSON and ROBIN KAY ANDERSON, husband and wife, Defendants/Counterclaimants/, Defendant/Appellee**  
(Litigant Group) MIKEL STEWART ANDERSON et al.

- Mikel Stewart Anderson
- Robin Kay Anderson

**Attorneys for: Defendants/Appellees**

Christopher A Combs, Esq. (AZ Bar No. 2266)

Patrick R MacQueen, Esq. (AZ Bar No. 24461)

Benjamin L Gottlieb, Esq. (AZ Bar No. 28106)

**CASE STATUS**

Jan 13, 2017....**Case Closed**

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-002535	Breach of Contract		John Christian Rea, Authoring Judge of Order		

**2 CASE DECISIONS**

**06-Oct-2016 MEMORANDUM DECISION**

Samuel Thumma.....Author

Patricia Norris.....Concur

Margaret Downie.....Concur

Filed: **06-Oct-2016**

Mandate: **13-Jan-2017**

Decision Disposition

***Affirmed***

**12-Jan-2017 ORDER**

\* ORDERED: dismissing this appeal with prejudice and with each party to bear its own attorneys' fees and costs. FURTHER ORDERED: Verified Statement of Attorneys Fees and Cost Incurred on Appeal (Appellee) = DENIED as moot. FURTHER ORDERED: given this dismiss

Filed: **12-Jan-2017**

Mandate:

Decision Disposition

***Dismissed***

Samuel Thumma.....Author

**35 PROCEEDING ENTRIES**

- 27-Aug-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/30/15  
Docketing Statement filed in Superior Court: 7/30/15
- 27-Aug-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits - not sent at this time
- 2-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Brief Due
- 2-Sep-2015 FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 15-0567****STEFANOVICH v. ANDERSON****35 PROCEEDING ENTRIES**

5.	8-Sep-2015	RECEIPT No.: 2015-01243 ; \$280.00, Authorization: Ref1#51006170273, Applied to: PAUL S STEFANOVICH et al. - Class A Filing Fee (\$280.00) Paid for: Bihn & McDaniel PLC - By Intresys Inc
6.	14-Sep-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	21-Sep-2015	FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellee)
8.	21-Sep-2015	FILED: Notice of Paying the Required Filing Fee; Certificate of Service of Notice of Paying the Required Filing Fee (Appellee)
9.	25-Sep-2015	RECEIPT No.: 2015-01337 ; \$140.00, Authorization: #67012497995, Applied to: MIKEL STEWART ANDERSON et al. - Class B Filing Fee (\$140.00) Paid for: Combs Gottlieb & MacQueen PC - By Integrated Resource Systems IN
10.	29-Oct-2015	FILED: Appellants' Request for Oral Argument; Appellants' Certificate of Service (Appellant)
11.	29-Oct-2015	FILED: Appellants' Opening Brief; Appellants' Certificate of Compliance; Appellants' Certificate of Service
12.	11-Dec-2015	FILED: Appellees' Answering Brief on Appeal; Certificate of Compliance Regarding Appellees' Answering Brief on Appeal; Certificate of Service of Appellees' Answering Brief on Appeal
13.	16-Dec-2015	FILED: Appellees' Request for Oral Argument; Certificate of Service (Appellee)
14.	5-Jan-2016	FILED: Appellants' Reply Brief; Appellants' Certificate of Compliance; Appellants' Certificate of Service (Appellant)
15.	3-Feb-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
16.	12-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
17.	12-Feb-2016	FILED: Additional Record on Appeal: Exhibits: HD 4/27/15 - List and # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 24 25 26 27 28 29 33 34 in manila envelope.
18.	17-Feb-2016	ORDERED: Appellants' Request for Oral Argument and Appellees' Request for Oral Argument = GRANTED. Hon Michael J Brown - Author
19.	7-Jul-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 9-20-16, 10:15 am, COURTROOM 1.
20.	8-Aug-2016	FILED: Notice of Oral Argument
21.	9-Aug-2016	FILED: Return Receipt Re Oral Argument, signed by Martin Bihn, on 8/8/16 (Appellants)
22.	10-Aug-2016	FILED: Receipt for Notice of Oral Argument, Signed by Benjamin L Gottlieb on 08/08/2016 (Appellee)
23.	27-Sep-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 09/20/2016 (Dept B)
24.	6-Oct-2016	MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Patricia K Norris - Concur; Hon Margaret H Downie - Concur
25.	6-Oct-2016	FILED: Memorandum Decision Distribution List
26.	19-Oct-2016	FILED: Verified Statement of Attorneys Fees and Cost Incurred on Appeal; Certificate of Service (Appellee)
27.	19-Oct-2016	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellees)
28.	21-Oct-2016	FILED: Notice of Errata; Certificate of Service (Appellee)
29.	7-Nov-2016	FILED: Appellants' Objection to Verified Statement of Attorneys' Fees and Costs Incurred on Appeal; Certificate of Service; Exhibit 1 (Appellant)
30.	18-Nov-2016	FILED: Notice of Settlement; Certificate of Service (Appellee)
31.	19-Dec-2016	ORDERED: parties shall have up to/including 01/06/2017, in which to file with this court a notice that they have finally resolved the case. FURTHER ORDERED: should parties make such a timely filing, this court anticipates entering an order dismissing this appeal and denying as moot Appellees' pending request for an award of attorneys' fees and taxable costs incurred on appeal. FURTHER ORDERED: should parties fail to make such a timely filing, Appellees will have up to/including 01/13/2017 in which to file a reply in further support of their requests for attorneys' fees and taxable costs incurred on appeal, after which this court will rule on Appellees' request for attorneys' fees and taxable costs incurred on appeal. Hon Samuel A Thumma - Author

**Court of Appeals, Division One**

**Civil Appeal**

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**35 PROCEEDING ENTRIES**

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| 32. | 6-Jan-2017  | FILED: Stipulation to Dismiss; Certificate of Service (Appellee)   |
| 33. | 6-Jan-2017  | FILED: Satisfaction of Judgment; Certificate of Service (Appellee)   |
| 34. | 12-Jan-2017 | ORDERED: dismissing this appeal with prejudice and with each party to bear its own attorneys' fees and costs. FURTHER ORDERED: Verified Statement of Attorneys Fees and Cost Incurred on Appeal (Appellee) = DENIED as moot. FURTHER ORDERED: given this dismissal, Clerk of Court is directed to issue a mandate in this matter. Hon Samuel A Thumma - Author |
| 35. | 13-Jan-2017 | FILED: Mandate, Record returned to superior court.   |